

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	Case No. 1:07-CR-00630
Plaintiff,)	
)	Judge Ann Aldrich
v.)	
)	
TODD D. JANKOWSKI,)	
)	
Defendant.)	<u>ORDER</u>
)	
)	
)	

On December 12, 2007, Todd D. Jankowski was indicted with one count distribution of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A) and one count possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B). The court then granted Jankowski's motion for a psychiatric examination and appointed Dr. David Pincus, D.M.H. for the examination and to prepare a report for the court [doc. 16].

On February 12, 2009 the court and counsel received a copy of Dr. Pincus's psychiatric evaluation. On March 9, 2009, Jankowski filed a motion to dismiss because he is mentally incompetent pursuant to 18 U.S.C. § 4241(d) [doc. 19]. After reviewing the psychiatric evaluation, the government filed its response in which it agreed that "under the totality of circumstances in this particular matter, the indictment should be dismissed" and waived the requirement for a competency hearing [doc. 20]. After careful consideration of the expert report submitted by Dr. Pincus, this court is satisfied that the evidence overwhelmingly established that Jankowski is not competent to stand trial and agrees that the indictment be dismissed. Therefore, the court grants the motion [doc.

19]. The indictment is hereby dismissed with prejudice.

IT IS SO ORDERED.

/s/Ann Aldrich
ANN ALDRICH
UNITED STATES DISTRICT JUDGE

Dated: March 23, 2009